

Item Number: 8
Application No: 15/00482/73A
Parish: Ampleforth Parish Council
Appn. Type: Non Compliance with Conditions
Applicant: Gem Holdings (York) Limited
Proposal: Variation of Condition 23 to state "No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (reference Plan 015123_P110 Rev H) - once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times" and Variation of Condition 29 to state "The development hereby permitted shall be carried out in accordance with the following approved plans(s): Drawing No. H-BSP-246-203-Rev D General Arrangement Layout Plans, Drawing No. H-BSP-246-212-Rev B Barn Conversion Proposed Elevations, Drawing No. 015123_P110 Rev H Site Plan as Proposed, Drawing No. GO55:01:06 Rev B Plot 1 plans and elevations, Drawing No. 015123_P120 Rev A Plot 2 Proposed Plans, Drawing No. 015123_P121 Rev A Plot 2 Proposed Elevations, Drawing No. 015123_P130 Rev A Plot 3 Proposed Plans, Drawing No. 015123_P131 Rev A Plot 3 Proposed Elevations, Drawing No. 015123_P140 Rev A Plot 4 Proposed Plans, Drawing No. 015123_P141 Rev A Plot 4 Proposed Elevations, Drawing No. GO55:01:09 Rev B Plots 5, 6 and 7 plans and elevations, Drawing No. H-BSP-246-13-205-Rev A Proposed Floor Plans, Sections and Elevations Garages, Drawing No. 015123_P300 Rev A Site Sections as Proposed, Drawing No. HU-RB-MS-180-101 Proposed highway movements" - substitution of plans of approval 11/00570/FUL dated 04.07.2013 as amended by approval 13/01321/AMEND dated 28.11.2013
Location: Formerly East End Garage Site Main Street Ampleforth Helmsley YO62 4DA

Registration Date:
8/13 Wk Expiry Date: 14 July 2015
Overall Expiry Date: 1 September 2015
Case Officer: Rachel Smith **Ext:** 323

CONSULTATIONS:

Building Conservation Officer	No response to date
Parish Council	Object
Highways North Yorkshire	No objection
Neighbour responses:	None

SITE:

The site is situated within the 'saved' development limits as defined in the Ryedale Local Plan and carried forward in the Ryedale Plan - Local Plan Strategy. It is located within Ampleforth Conservation Area, and the Howardian Hills Area of Outstanding Natural Beauty. The site was originally occupied by a commercial garage site on Main Street, with the rear of the site extending to St Hilda's Walk to the south. The area is predominantly residential, with adjacent properties close to the road edge. Our Lady and St Benedicts Church lies to the west. Ampleforth Surgery and other residential properties lies to either side of the entrance to the site on Back Lane. The site is relatively level adjacent to Main Street, but the ground level drops significantly through the site to the south. Following the granting of planning

permission in July 2013 for residential development on the site, work commenced on the construction of the dwellings. The barn conversion, and one of detached dwellings fronting Main Street have already been completed.

PROPOSAL:

Permission was granted for the erection of 1 five-bedroom detached dwelling with double garage sited on the site frontage, together with the change of use of a barn to form a four-bedroom dwelling, one two-bedroom, detached dwelling, two four-bedroom detached dwellings, and a terrace of three two-bedroom dwellings. The dwellings are being constructed from stone under a clay pantiled roof.

Permission is now sought for a minor material amendment to the approved plans to include:

- removal of garage block for plots 3 and 4
- revised road layout
- revised access and parking for plots 4 to 7
- relocated visitor parking and bin store
- single storey extension to plot 2
- revision to fenestration
- addition of single garage to plot 4

HISTORY:

March 2003: Permission granted for erection of garage/workshop

May 2008: Permission refused for erection of surgery with associated car park and vehicular access

September 2008: Permission refused for revised details for erection of surgery with car parking and vehicular access

July 2013: Permission granted for the erection of 8 dwellings. Subject to Section 106 agreement in respect of affordable housing and public open space

November 2013: minor non material amendment to barn conversion

POLICY:

National Policy Guidance National Planning Policy Framework, 2012 (NPPF)

National Planning Policy Guidance 2014 (NPPG)

Local Planning Strategy; Ryedale Plan – adopted 5 September 2013

Policy SP1 – General Location of Development and Settlement Hierarchy

Policy SP2 – Delivery and distribution of housing

Policy SP3 – Affordable Housing

Policy SP4 – Type and mix of new housing

Policy SP11 –Community Facilities and Services

Policy SP12 - Heritage

Policy SP13 -Landscapes

Policy SP16 - Design

Policy SP19 - Presumption in favour of sustainable development

Policy SP20 - Generic Development Management Issues

Policy SP22- Planning Obligations

APPRAISAL:

The principle of the development of the site has been accepted by the approval of the application in 2013, and the lawful commencement of the development on site. Accordingly the material considerations relate to the impact of the proposed amendments on:

- Neighbour amenity
- Character of the conservation area
- Character of the Howardian Hills Area of Outstanding Natural Beauty, and

- Access and Parking

Neighbouring Amenity

The nearest neighbouring properties to the site are plot 1 and the barn conversion, constructed as part of this development, together with Victoria House which fronts Main Street. Negotiations have resulted in the submission of revised plans to ensure that no vehicular movements can occur between the lower portion of the site, and those dwellings accessed from Main Street. This is now in accordance with the previously approved plans. It is not considered that the revision to the parking or layout will have a significant impact on the existing amenities of the neighbouring occupiers. The erection of a single storey extension will be situated adjacent to the boundary of the garden of Victoria House. It is noted however that the application site is at a lower level than the neighbouring dwelling, and therefore the amendment will have not significant impact on their existing amenities. It is considered that the proposed changes to fenestration are acceptable.

Character of the Conservation Area and the Howardian Hills area of Outstanding Natural Beauty

During the consideration of the original application on the site, officers spent a significant amount of time negotiating with the architects to ensure that the final design preserved or enhanced the character of Ampleforth Conservation Area, and the natural beauty of the Area of Outstanding Natural Beauty. The revisions to the design and layout are relatively minor, and as such it is considered that the character of the area will be maintained. Revisions have however been sought which now include the erection of a hedge to soften the views from Main Street.

Access and Parking

The proposed plans include changes to the internal road layout and parking for the dwellings together with the deletion of a garage block to serve plots 3 and 4. The revised plan shows this land providing an increased curtilage to plot 2, together with additional landscaping. Plots 2 and 3 will now have an attached garage for each property. The plans submitted showed a reduction in parking provision to plots 5, 6 and 7. The Parish Council objected to the loss of the garages and parking spaces, and stated that the area already suffered with a lack of parking. Officers also raised concerns. Revised plans failed to address these concerns, however a further set of plans have now been submitted which provide the following:

Plot 2 : Two parking spaces

Plot 3: Single garage plus two parking spaces

Plot 4: Single garage plus two parking spaces

Plots 5 - 7 Five parking spaces, plus one visitor space.

This is a total of 14 spaces, compared to 13 spaces for these dwellings on the original plans. It is therefore considered that the revised plans are acceptable and address the concerns raised by Officers and the Parish Council. The formal comments of the Parish Council in relation to this set of revised plans are awaited, and Members will be updated at their meeting. It is noted that the Parish objection included reference to the loss of the garage block. It is not considered essential for the parking to include formal garage provision. Whilst cars are less visible when kept in a garage, it is acknowledged that many garages are used for additional storage rather than cars. As such, parking spaces can better address parking provision. North Yorkshire Highways have been consulted on the application, and have stated that there are no Highway objections to the proposed changes.

Contributions

The approved application on this site was subject to a legal agreement, (section 106), to ensure the delivery of three affordable dwellings on site together with contributions in respect of public open space. If Members are minded to approve this application, the legal agreement will require amendment to take account of the current application.

CONCLUSION

It is considered that the development complies with policy, and therefore, the recommendation is one of approval, **subject to a revision to the Section 106 agreement.**

RECOMMENDATION: **Approval**

- 1 Unless otherwise agreed in writing by the Local Planning Authority, the materials used on the dwellings hereby approved shall be in accordance with the stone and pantiles previously agreed in writing by the Local Planning Authority under condition discharge application 13/00662/COND and used for Plot 1.

Reason:- In the interests of maintaining the character of the Conservation Area, and to satisfy the requirements of the National Planning Policy Framework.

- 2 Unless otherwise agreed in writing by the Local Planning Authority, the windows, doors and garage doors on the dwellings hereby approved shall be constructed from timber and set in reveals of a minimum of 75mm, in accordance with details approved under condition discharge application 13/00662/COND.

Reason: To ensure an appropriate appearance and to comply with the requirements of the National Planning Policy Framework, and policies SP12, and SP20 of the Ryedale Plan-Local Plan Strategy.

- 3 The finished floors levels on the dwellings hereby approved shall be in accordance with the details approved under condition discharge application 13/00662/COND as amended by application 15/00482/73A.

Reason:- By virtue of the sloping nature of the site and to ensure that the development does not have an adverse impact on the character of the area, and to satisfy the requirements of the National Planning Policy Framework.

- 4 Unless otherwise agreed in writing by the Local Planning Authority, and prior to the commencement of any works on site, plans showing details of landscaping and planting schemes shall be submitted to and approved in writing by the Local Planning Authority. The schemes shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed where appropriate to the development. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs including existing items to be retained.. All planting, seeding and/or turfing comprised in the above scheme shall be carried out in the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development hereby approved and to comply with the requirements of Policies SP13 and SP12 of the Ryedale Plan - Local Plan Strategy.

- 5 The guttering to the development hereby permitted shall be fixed by means of gutter spikes and no fascia boarding shall be used unless agreed in writing by the Local Planning Authority.

Reason:- In the interests of maintaining the character of the Conservation Area, and to satisfy the requirements of Section 12 of the National Planning Policy Framework, and Policy SP12 of the Ryedale Plan- Local Plan Strategy.

- 6 Before the commencement of the development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, full details of the materials and design of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with the neighbouring occupiers at Victoria House. Thereafter these shall be erected prior to the occupation of any dwelling to which they relate.

Reason:- To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality, as required by the National Planning Policy Framework, and Policies SP12 and SP20 of the Ryedale Plan - local Plan Strategy.

- 7 Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted development) Order 1995 (or any Order revoking, re-enacting or amending that Order), development of the following classes shall not be undertaken other than as may be approved in writing by the Local Planning Authority following a specific application in that respect:

Class A: Enlargement, improvement or alteration of a dwelling house

Class B: Roof alteration to enlarge a dwelling house

Class C: Any other alteration to the roof of a dwelling house

Class D: Erection or construction of a domestic external porch

Class E: Provision within the curtilage of a dwelling house of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwelling house or the maintenance, improvement or other alteration of such a building or enclosure.

Reason:- To ensure that the appearance of the area is not prejudiced by the introduction of unacceptable materials and/or structure(s) and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 8 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, (or any Order revoking, re-enacting or amending that Order), no windows, other than those shown on the plans hereby approved, shall be formed in the walls or roofs of the dwelling hereby permitted without the prior written consent of the Local Planning Authority following a specific application in that respect.

Reason: To safeguard the privacy and amenity of adjoining residents and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 9 The development hereby approved shall be carried out in accordance with the submitted ecological survey.

Reason:- To ensure that those species protected under the Wildlife and Countryside Act are not harmed by the development, and to satisfy the requirements of the National Planning Policy Framework.

- 10 Unless otherwise agreed in writing by the Local Planning Authority, prior to the commencement of such works on site, details of the ground surfacing materials shall be submitted to and approved in writing by the Local Planning Authority.

Reason:- To ensure a satisfactory external appearance, and to satisfy the requirements of the National Planning Policy Framework.

- 11 Any roof lights shall be of metal construction with structural glazing bars, low profile and top hung.

Reason:- To ensure a satisfactory external appearance, and to satisfy the requirements of the National Planning Policy Framework, and Policy SP12 of the Ryedale Plan - Local Plan

Strategy.

- 12 All existing and proposed boundary walls shall be repaired and maintained in a traditional manner, including the use of lime mortar unless otherwise agreed in writing by the Local Planning Authority.

Reason:- In the interests of maintaining the character of the Conservation Area, and to satisfy the requirements of the National Planning Policy Framework, and Policy SP 12 of the Ryedale Plan - Local Plan Strategy.

- 13 During the approved development, any unexpected contamination found that was not previously identified shall be notified in writing immediately to the Local Planning Authority and work cease until the extent of the contamination has been investigated and remedial action, which has been agreed in writing with the Local Planning Authority, has been completed. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted and approved in writing by the Local Planning Authority.

Reason:- To ensure the satisfactory development of the site, and to satisfy the requirements of the National Planning Policy Framework.

- 14 The existing mature tree screen at the southern end of the site where it abuts the surgery shall be retained and maintained. Any trees which within a period of 10 years from the date of this permission, die, are removed or become diseased, shall be replaced in the next planting season with others of similar sizes and species unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To ensure that the existing amenities of users of the surgery are maintained, and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 15 The development shall be carried out in accordance with the arboricultural method statement approved under application 13/00662/COND. Thereafter all work on site shall be carried out in accordance with the approved method statement.

Reason: To ensure that the trees and hedgerows to be retained on and adjacent to the site are not detrimentally affected by the development, and to ensure that they are properly protected throughout the development phase and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 16 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:

(i) The details of the required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

(iii) A programme for the completion of the proposed works has been submitted.

The required highway improvements shall include:(St Hilda's Walk)

(a) Provision of tactile paving

(b) Widen carriageway to 5.0 metres across existing surgery frontage; adjust kerbing and drainage apparatus to suit and provide 1.2 metre wide footway link from the existing public footway to the proposed on-site footway.

(e) (Main Street)Alterations to the existing dropped kerb, footway levels and construction and existing keep clear lining.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

- 17 Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition discharged application 13/00662/COND.

The required highway improvements shall include:(St Hilda's Walk)

- a. Provision of tactile paving
- b. Widen carriageway to 5.0 metres across existing surgery frontage; adjust kerbing and drainage apparatus to suit and provide 1.2 metre wide footway link from the existing public footway to the proposed on-site footway.
- e.(Main Street)Alterations to the existing dropped kerb, footway levels and construction and existing keep clear lining.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and in the interests of the safety and convenience of highway users.

- 18 Unless otherwise agreed in writing by the Local Planning Authority, prior to the construction of any of the dwellings hereby approved, the highway improvement works identified on drawing HU-RB-MS-180-101 shall be carried out in their entirety to the satisfaction of the Local Planning Authority.

Reason: In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and in the interests of the safety and convenience of highway users

- 19 Unless otherwise agreed in writing by the Local Planning Authority a sight line shall be provided at the new access to the development onto Main Street, measured 2.4 metres back from and parallel to the edge of the existing carriageway along the total site frontage in accordance with details to be submitted to, and approved in writing by the Local Planning Authority. Thereafter the area between the sight line and the highway boundary shall remain clear of obstructions in excess of 1 metre in height above carriageway level.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and in the interests of road safety.

- 20 No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference Plan 015123 - P110 rev H)

Once created, these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

- 21 Precautions to prevent the deposit of mud, grit and dirt on the public highways by vehicles travelling to and from the site shall be carried out in accordance with details approved under application 13/00662/COND.

These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site, and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

22 The following provisions shall be carried out in accordance with the details approved under application 13/00662COND:

(i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway

(ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy, and to provide for appropriate on-site vehicle parking and the storage facilities, in the interests of highway safety.

23 Unless otherwise agreed in writing by the Local Planning Authority, the first floor windows on the eastern elevation of Plot 2 shall be non-opening and be permanently glazed with frosted or opaque glass of a type to be submitted and approved in writing by the Local Planning Authority prior to the occupation of the building.

Reason:- To protect the privacy of adjoining properties, and satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy

24 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Site location plan 015123_P100 rev A

Drawing No. H-BSP-246-203-Rev D General Arrangement Layout Plans

Drawing No. H-BSP-246-212 - Rev B Barn Conversion Proposed Elevations

Drawing No. 015123_P110 REV H - Site Plan as Proposed

Drawing No. 015123_P120 Rev A - Plot 2 Proposed Plans

Drawing No. 015123_P121 Rev A - Plot 2 Proposed Elevations

Drawing No. 015123_P130 Rev A - Plot 3 Proposed Plans

Drawing No. 015123_P131 Rev A - Plot 3 Proposed Elevations

Drawing No. 015123_P140 Rev A - Plot 4 Proposed Plans

Drawing No. 015123_P141 Rev A - Plot 4 Proposed Elevations

Drawing No. GO55:01:09 Rev B - Plots 5, 6 and 7 Plans and Elevations

Drawing No. H-BSP-246-13-205-Rev A - Proposed Floor Plans, Sections and Elevations - Garages*

Drawing No. 015123_P300 Rev A Site Sections as Proposed

Drawing No. HU-RB-MS-180-101 - Proposed Highway Movement

Reason: For the avoidance of doubt and in the interests of proper planning.

Background Papers:

Adopted Ryedale Local Plan 2002

Local Plan Strategy 2013

National Planning Policy Framework

Responses from consultees and interested parties